

RESOLUTION

WHEREAS, Texas Local Government Code Section 272.001(a) requires a municipality selling or conveying land to sell or convey such land at fair market value, which must be determined by either an appraisal or the price obtained at public auction, with certain exceptions provided; and,

WHEREAS, Texas Local Government Code Section 272.001(b)-(j) contains exceptions that would not require the municipality to determine the fair market value in the manner specified above, one of which is land sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed; and

WHEREAS, the state statute allows the City to establish an alternate method of determining the fair market value for land being sold or conveyed to an abutting property owner if the property owner owns the underlying fee simple of the land being sold or conveyed and the City wishes to establish an alternative method; and,

WHEREAS, on February 15, 2011, the El Paso City Council adopted a policy establishing an alternate method of appraisal for the vacation of a public street, alley or easement to an abutting property owner owning the underlying fee simple; and,

WHEREAS, Texas Local Government Code Section 272.001(b)-(j) also allows the city to sell or convey land to an abutting property owner owning the underlying fee simple of the land being sold or conveyed for less than the fair market value of the land; and,

WHEREAS, City Council wishes to amend policy adopted on February 15, 2011, to allow for land to be sold or conveyed to an abutting property owner owning the underlying fee simple for less than the fair market value of the land; and,

WHEREAS, the City Council wishes to adopt an alternate method for calculating the compensation to be paid by abutting property owners owning the fee simple to the vacated right of way;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT, policy adopted by the City Council of the City of El Paso on February 15 is amended in its entirety.

THAT, the City Council of the City of El Paso hereby adopts the following method for determining the compensation for the sale or conveyance of land dedicated to the City as a public street, alley, or easement.

1. Available comparables for the area shall be used to determine the fair market value of the land to be vacated and a property owner meeting the criteria specified in paragraph two below shall pay the city ten percent of the determined fair market value.

2. The property owner must meet the following criteria in order for this policy to apply to the conveyance or sale of the public street, public alley or public easement.

- a. The land or interest to be sold or conveyed was dedicated as a public street, public alley or public easement; and,
- b. The sale or conveyance must be to the abutting property owner and the abutting property owner must own the underlying fee simple to the land being sold or conveyed; and,
- c. City Council must make a finding that the land or interest is no longer needed as a public street, public alley or public easement; and,
- d. If the full width of the public street, alley or easement is to be vacated, then the abutting property owners on both sides of the public street, alley or easement must agree to the vacation, and,
- e. The public street, alley or easement contains one or more building encroachments that have existed for a minimum of 30 years or existed prior to the area being annexed into the City.

3. The City may initiate the vacation of the public street, alley or easement, via plat or separate instrument, where the City determines the encroachments have existed for a minimum of 30 years or where multiple encroachments into a public street, alley or easement create a lack of conformity within neighborhoods and between lots. The City finds that there is public purpose for initiating the vacation in order to rectify the existing conditions of the meandering lot lines to clearly distinguish and reflect the lot lines of private property owners from any existing public street, alley or easement and so that a uniform solution can be provided.

ADOPTED this _____ day of _____, 2012.

CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda Duffy-Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Planning and Economic Development Dept.